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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,372	01/30/2004	Hiroshi Gotoh	R2184.0300/P300	4894
24998	7590	03/13/2006	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 2101 L Street, NW Washington, DC 20037			FARROKH, HASHEM	
			ART UNIT	PAPER NUMBER
			2187	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/767,372

Applicant(s)

GOTOH, HIROSHI

Examiner

Hashem Farrokh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 and 12 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-10, 13, 15, 17 and 19-22 is/are rejected.
- 7) ☒ Claim(s) 4, 14, 16, 18 and 23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/14/04</u> . | 6) <input type="checkbox"/> Other: _____ |

The instant application having application No. 10/767,372 has a total of 23 claims pending in the application; there are 5 independent claims and 18 dependent claims, all of which are ready for examination by the examiner.

INFORMATION CONCERNING IDS:

The information disclosure statement (IDS) submitted on 6/11/04 was considered by the Examiner. The submissions are in compliance with the provisions of 37 CFR 1.97.

INFORMATION CONCERNING CLAIMS:

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claim 13 rejected under 101 because the claimed invention is directed to non-statutory subject matter. Claim 13, lines 1-2 recites: "A program to cause an information processing device..." The computer program by itself is considered a non-statutory matter, but when is stored in a tangible computer storage medium it becomes statutory. The Applicant can overcome this rejection by changing the "A program" to "A program stored in a computer readable medium".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Publication No. 2004/0003314 A1 to Witt et al (hereinafter Witt).

2. *In regard to claim 1 Witt teaches:*

“A method of creating an image file of target information to be additionally written in an information recording medium (e.g., see paragraph 8 in page 1), comprising:

“a first step of creating image data of the target information;” (e.g., see paragraph 67 in page 6; Fig. 6).

“a second step of obtaining identification information of the information recording medium;” (e.g., see paragraphs 48-49 in page 5). For example control stream included in the image file includes the identification information.

“and a third step of creating an image file having the image data in association with the identification information.” (e.g., see paragraphs 67-74 in pages 6-7; flow diagram in Fig. 6).

3. *In regard to claim 2 Witt teaches:*

“wherein the identification information includes at least one of physical information (**e.g., geometry**) and logical information (**e.g., volume**) possessed by the information recording medium.” (**e.g., see paragraph 48 in page 5; element 222 in Fig. 3).**

4. *In regard to claim 3 Witt teaches:*

“wherein the identification information includes the physical information (**e.g., geometry**), and said physical information includes at least one of disk specific information **paragraph 39 in page 4**), session information and track information.” (**e.g., see paragraph 50 in page 5**)

5. *In regard to claim 5 Witt teaches:*

“wherein the physical information includes the track information (**paragraph 49 in page 5**), and said track information includes at least one of a number of recorded tracks and track lengths of the recorded tracks.” (**e.g., see paragraph 50 in page 5**).

6. *In regard to claim 6 Witt teaches:*

“wherein the identification information includes the logical information (**paragraph 48 in page 5**), and said logical information includes at least one of volume information and file system information of the information recording medium.” (**e.g., see paragraph 8 in page 1**).

7. *In regard to claim 7 Witt teaches:*

“wherein the logical information includes the volume information (**paragraph 38 in page 4**), and said volume information includes primary volume descriptor information.”
(paragraph 48 in page 5).

8. *In regard to claim 8 Witt teaches:*

“wherein the image file further includes the identification information.” (**paragraph 47 in page 4-5; Fig. 3**).

9. *In regard to claim 9 Witt teaches:*

“wherein the third step creates management information to indicate a correspondence between the identification information and the image file.” (**paragraph 47 in pages 4-5; Fig. 3**). *The control stream is a part of image file which includes identification information.*

10. *In regard to claim 10 Witt teaches:*

“further comprising a fourth step of storing the image file created in the third step.”
(paragraph 74 in page 7; Fig. 6).

11. *In regard to claim 13 Witt teaches:*

“A program to cause an information processing device to execute a procedure
(paragraph 20 in pages 2; Fig. 6), the procedure comprising:”

"a first step of, in response to a request to create an image file (**paragraph 46 in pages 4**), creating image data of target information to be recorded in an information recording medium;" (**e.g., see paragraphs 67-74 in pages 6-7; flow diagram in Fig. 6**).

"a second step of obtaining identification information of the information recording medium;" (**e.g., see paragraphs 48-49 in page 5**).

"and a third step of creating an image file having the image data in association with the identification information." (**e.g., see paragraphs 67-74 in pages 6-7; flow diagram in Fig. 6**).

12. *In regard to claim 15 Witt teaches:*

"A recording medium for storing a program (**claim 24**) to cause an information processing device to execute a procedure (**Fig. 6**), the procedure comprising:"

"a first step of, in response to a request to create an image file (**paragraph 46 in pages 4**), creating image data of target information to be recorded in an information recording medium;" (**e.g., see paragraphs 67-74 in pages 6-7; flow diagram in Fig. 6**).

"a second step of obtaining identification information of the information recording medium;" (**e.g., see paragraphs 48-49 in page 5**).

"and a third step of creating an image file having the image data in association with the identification information." (**e.g., see paragraphs 67-74 in pages 6-7; flow diagram in Fig. 6**).

13. *In regard to claim 17 Witt teaches:*

“An information recording system for recording information in an information recording medium, comprising:” (**paragraphs 15-16 in pages 2; Figs. 1-2**).

“an information processing device having a file creation part (**paragraph 16 in pages 2; Fig. 2**), in response to a request to create an image file of target information to be additionally written in an information recording medium (**paragraph 46 in pages 4**), creating an image file including image data of the target information in association with identification information of the information recording medium;” (**e.g., see paragraphs 67-74 in pages 6-7; flow diagram in Fig. 6**).

“and an information recording device (**Figs. 1-2**), in response to a recording request from the information processing device (**paragraph 46 in pages 4**), recording the target information in the information recording medium.” (**e.g., see paragraphs 67-74 in pages 6-7; flow diagram in Fig. 6**).

14. *In regard to claim 19 Witt teaches:*

“wherein the image file further includes the identification information.” (**e.g., see paragraph 47 in pages 4-5; Fig. 3**).

15. *In regard to claim 20 Witt teaches:*

“further comprising: a storage device;” (**e.g., see element 141 in Fig. 1**).

“and a storing part storing the image file created by the file creation part in the storage device.” (e.g., see paragraph 37 in page 4; element 206 in Fig. 2).

16. *In regard to claim 21 Witt teaches:*

“wherein the storing part stores management information to indicate a correspondence between the identification information and the image file in the storage device.”
(paragraph 47 in pages 4-5; Fig. 3).

17. *In regard to claim 22 Witt teaches:*

“wherein the identification information includes at least one of physical information and logical information possessed by the information recording medium.” (e.g., see paragraph 48 in page 5; element 222 in Fig. 3).

ALLOWABLE SUBJECT MATTER

Claims 11-12 are allowed

Claims 4, 14, 16, 18, and 23 are objected to as being dependent upon rejected based claims, but would be allowable if rewritten in correct and independent form including all of the limitations of the base claim and any intervening claims.

1. The primary reason for allowance of claim 4 in instant application is the combination with the inclusion of the following limitations: **wherein the physical information includes the disk specific information, and said disk specific information includes a disk ID.**

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2. *The primary reason for allowance of claims 11-12, 14, 16, and 18 in instant application is the combination with the inclusion of the following limitations: determining whether the identification information of the information recording medium and identification information associated with the image file are the same; only if the identification information of the information recording medium and the identification information associated with the image file are the same based on the determination, additionally writing the image data included in the image file in the information recording medium*

3. *The primary reason for allowance of claim 23 in instant application is the combination with the inclusion of the following limitations: wherein the information recording device multisession records the target information in the information recording medium.*

: IMPORTANT NOTE :

*If the applicant should choose to rewrite the independent claims to include the limitations recited in either one of the claims, the applicant is encouraged to **amend the title of the invention** such that it is descriptive of the invention as claimed as required by sec. 606.01 of the **MPEP**. Furthermore, the **summary of invention** and the **abstract** should be amended to bring them into harmony with the allowed claims as required by paragraph 2 of **sec. 1302.01** of the **MPEP**.*

As allowable subject matter has been indicated, applicant's response must either comply with all formal requirements or specifically traverse each requirement not compiled with. See 37 C.F.R. § 1.111(b) and § 707.07(a) of the M.P.E.P.

Conclusion

The prior art made of record and not relied upon are as follows:

- 1. U. S. Patent Publication No. 2003/0113103 A1 to Kaku describes Image recording apparatus.*
- 2. U. S. Patent No. 6,904,229 B1 to Suzuki et al. describes Apparatus for recording signals on disk recording medium.*
- 3. U. S. Patent No. 6,119,132 A to Kuwano describes Electronic image filing system for assigning an identifier to an electronic representation, Wherein the identifier comprises an image identifier corresponding to the image and a predetermined apparatus identifier corresponding to the filing apparatus.*

*Any inquiry concerning this communication should be directed to Hashem Farrokh whose telephone number is (571) 272-4193. The examiner can normally be reached Monday-Friday from **8:00 AM to 5:00 PM**.*

If attempt to reach the above noted Examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Donald A Sparks, can be reached on (571) 272-4201. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either private PAIR or Public PAIR. Status information

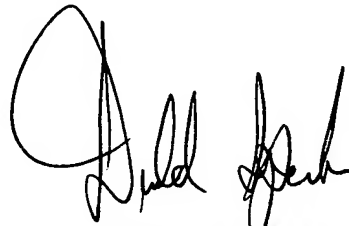
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for unpublished application is available through Private PAIR only. For more information about PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBS) at 866-217-9197 (toll-free).

HF

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2006-03-6

A handwritten signature in black ink, appearing to read "Donald Sparks", written over a printed name and title.

**DONALD SPARKS
SUPERVISORY PATENT EXAMINER**